



10-17-03

PCT

1702 Rec'd PCT/PTO 15 OCT 2003

FORM PTO 1390 (REV 01-2003)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 00136/000K432-US0
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371			U.S. APPLICATION NO (If known, see 37 CFR 1.5) 10/089,473
INTERNATIONAL APPLICATION NO. PCT/KR00/00809	INTERNATIONAL FILING DATE 26 March 2000	PRIORITY DATE CLAIMED	
TITLE OF INVENTION NOVEL PROTEIN DERIVED FROM AGKISTRODON SAXATILIS EMELIANOV AND PROCESS FOR PREPARING THE SAME			
APPLICANT(S) FOR DO/EO/US Kwang-Hoe Chung, et al.			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:			
1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.			
2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing 35 U.S.C. 371.			
3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.			
4. <input type="checkbox"/> The US has been elected (Article 31).			
5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))			
a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).			
b. <input type="checkbox"/> has been communicated by the International Bureau.			
c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).			
6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).			
a. <input type="checkbox"/> is attached hereto.			
b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).			
7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))			
a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).			
b. <input type="checkbox"/> have been communicated by the International Bureau.			
c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.			
d. <input type="checkbox"/> have not been made and will not be made.			
8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).			
9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).			
10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).			
Items 11 to 20 below concern document(s) or information included:			
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.			
12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.			
13. <input type="checkbox"/> A preliminary amendment.			
14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.			
15. <input type="checkbox"/> A substitute specification.			
16. <input type="checkbox"/> A power of attorney and/or change of address letter.			
17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.			
18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).			
19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).			
20. <input checked="" type="checkbox"/> Other items or information: Notification of Defective Response Submission of Nucleotide And/Or Amino Acid Sequence Listings Under PCT Rule 13 ter.1; paper copy of Sequence Listing			

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <div style="text-align: center;">10/089,473</div>	INTERNATIONAL APPLICATION NO. <div style="text-align: center;">PCT/KR00/00809</div>	ATTORNEY'S DOCKET NUMBER <div style="text-align: center;">00136/000K432-US0</div>
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21. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b> <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1080.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$920.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$770.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$730.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00 <div style="text-align: center; margin-top: 10px;"> <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>            Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).         </div> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <th style="width: 25%;">CLAIMS</th> <th style="width: 25%;">NUMBER FILED</th> <th style="width: 25%;">NUMBER EXTRA</th> <th style="width: 25%;">RATE</th> </tr> <tr> <td>Total claims</td> <td style="text-align: center;">-20 =</td> <td></td> <td style="text-align: center;">x</td> </tr> <tr> <td>Independent claims</td> <td style="text-align: center;">-3 =</td> <td></td> <td style="text-align: center;">x</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(s) (if applicable)</td> <td style="text-align: center;">+</td> </tr> <tr> <td colspan="3" style="text-align: right;"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td></td> </tr> <tr> <td colspan="3"> <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.         </td> <td></td> </tr> <tr> <td colspan="3" style="text-align: right;"><b>SUBTOTAL =</b></td> <td></td> </tr> <tr> <td colspan="3">Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).</td> <td></td> </tr> <tr> <td colspan="3" style="text-align: right;"><b>TOTAL NATIONAL FEE =</b></td> <td></td> </tr> <tr> <td colspan="3">Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property</td> <td style="text-align: center;">+</td> </tr> <tr> <td colspan="3" style="text-align: right;"><b>TOTAL FEES ENCLOSED =</b></td> <td></td> </tr> <tr> <td colspan="3"></td> <td style="text-align: right;">           Amount to be refunded: \$            charged: \$         </td> </tr> </table>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	-20 =		x	Independent claims	-3 =		x	MULTIPLE DEPENDENT CLAIM(s) (if applicable)			+	<b>TOTAL OF ABOVE CALCULATIONS =</b>				<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				<b>SUBTOTAL =</b>				Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				<b>TOTAL NATIONAL FEE =</b>				Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property			+	<b>TOTAL FEES ENCLOSED =</b>							Amount to be refunded: \$ charged: \$	<b>CALCULATIONS</b> PTO USE ONLY <div style="height: 150px; border: 1px solid black;"></div>
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a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>04-0100</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.	<div style="text-align: center; margin-top: 20px;">             SIGNATURE: <u>MARIE GILFILLAN</u>            NAME: <u>S. Peter Ludwig</u> </div>
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**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

S. Peter Ludwig  
 DARBY & DARBY P.C.  
 P.O. Box 5257  
 New York, New York 10150-5257  
 (212) 527-7770

25,351  
 REGISTRATION NUMBER

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. \_\_\_\_\_ in an envelope addressed to:

2982103278-US

on October 15, 2003  
Date

Lee/K

Signature

Signature \_\_\_\_\_

Typed or printed name of person signing Certificate

Transmittal Letter to the United States Designated-Elected Office -  
Subsequent Submission including:  
Submission of Nucleotide and/or Amino Acid Sequence Listing Under  
PCT Rule 13 ter.1  
Paper copy of Sequence Listing (4) Pgs  
Computer readable diskette containing Sequence Listing  
A copy of Notification of Defective Response

**DARBY &  
DARBY**  
PROFESSIONAL  
CORPORATION

INTELLECTUAL PROPERTY LAW

805 THIRD AVENUE  
NEW YORK, NY 10022-7513  
TEL (212) 527-7700  
FAX (212) 753-6237

October 15, 2003

Reference: 00136/000K432-US0

**MARIE GILFILLAN**  
REGISTERED PATENT AGENT  
PATENT SERVICES MANAGER  
(212)-527-7764  
mgilfillan@darbylaw.com

U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Re: International Application No. 10/089,473  
International Filing Date March 26, 2002  
Applicant: Chung, Kwang-Hoe  
For NOVEL PROTEIN DERIVED FROM AGKISTRODON SAXATILIS  
EMELIANOV AND PROCESS FOR PREPARING THE SAME

**SUBMISSION OF NUCLEOTIDE AND/OR AMINO ACID  
SEQUENCE LISTINGS UNDER PCT RULE 13 ter.1**

Sir:

In response to the Notification of Defective Response dated September 16, 2003, submitted herewith is a sequence listing for the above-identified international application, both on hard copy and in machine-readable form in compliance with WIPO Standard ST.23.

It is submitted that the information contained in the enclosed sequence listing does not exceed the scope of the disclosure contained in the international application as originally filed.

The content of the attached paper entitled "SEQUENCE LISTING" and of the accompanying computer readable diskette, specifically the ASCII-encoded file therein labeled "SEQUENCE.LST", are identical.

Sincerely,

DARBY & DARBY P.C.

By   
Marie Gilfillan

MG:rm  
Enclosure



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/089,473	FIRST NAMED APPLICANT " Kwang-Hoe Chung UNEX"	ATTY. DOCKET NO. 0136/OK432USO
INTERNATIONAL APPLICATION NO. PCT/KR00/00809		
I.A. FILING DATE 03/26/2002		PRIORITY DATE
DUE: <u>October 16, 2003</u>		
Docketed on <u>9/23</u> by <u>DP</u> for		
Docketed without file <input type="checkbox"/>		
Attorney _____		
		CONFIRMATION NO. 1138 371 FORMALITIES LETTER
		*OC000000010881026*

Date Mailed: 09/16/2003

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Indication of Small Entity Status
- Copy of the International Application filed on 03/26/2002
- Copy of the International Search Report filed on 03/26/2002
- Biochemical Sequence Diskette filed on 03/26/2002
- Oath or Declaration filed on 03/26/2002
- Biochemical Sequence Listing filed on 03/26/2002
- Small Entity Statement filed on 03/26/2002
- Copy of references cited in ISR filed on 03/26/2002
- U.S. Basic National Fees filed on 03/26/2002
- Assignee Statement filed on 03/26/2002

Applicant's response filed 03/26/2002 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 06/20/2002 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute

computer readable form must be submitted as required by 37 CFR 1.825(d).

■ RAW SEQUENCE LISTING ERROR REPORT

■ APPLICANT MUST PROVIDE:

- An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.

● For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DEBORAH D WILLIAMS

Telephone: (703) 305-3744

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/089,473	PCT/KR00/00809	0136/OK432USO